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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

Questionnaire with a view of the preparation of Opinion No. 15 on specialisation of judges and courts

1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES IN:	(B) IF YES TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN ¹	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS ²	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts		Specialised departments and judges					
Juvenile courts		Specialised departments and judges and lay judges					
Administrative courts/council of state	Specialised court of first Instance for territory of the state and a Higher Administrative Court of second instance						
Immigration/Asylum		Specialised					

¹ For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

² For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

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		departments in the Administrative Court					
Courts of Account							
Military Courts							
Tax Courts							
Labour/social courts		Specialised departments in the larger courts and specialised Judges in the smaller courts					
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts		Specialised departments and judges					
Courts for wills and inheritances		Specialised departments					
Patent/copyrights/trademark courts							
Commercial courts		Specialised					

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		departments and specialised judges					
Bankruptcy courts		Specialised department					
Courts for land disputes		Specialised departments					
"Cours d'arbitrage"							
Serious crimes courts/courts of assize		Specialised departments and specialised investigative and trial judges					
Courts for the supervision of criminal investigations (e.g. authorising arrest, wire-tappings, etc.)							

Courts for the supervision of criminal enforcement and custody in penitentiaries		Specialised judges					
Other, please specify:							

To what extent specialisation of courts is relevant in your system?

According to the Constitution and the Law on Courts, within the judiciary, judicial power shall be exercised by the basic courts, the Administrative Court as a court of first instance that is covering the territory of the state, the appellate courts, and the Supreme Court of the Republic of Macedonia. According to amendments from 2011, a Higher Administrative Court has been established as a court of second instance, but this court also has the competence to decide on conflicts of jurisdiction between state bodies, and it is fully operational.

The work in the courts shall be, as a rule, performed in specialised court departments. The specialised court departments are established depending of the type and quantity of the court workload, as follows: criminal area, juvenile criminality, civil and economic area, labour disputes and other characteristic disputes falling within the jurisdiction of the courts. Within the specialised court department, specialization of judges shall be realized.

In the courts in which specialised departments shall be established, judges are allotted according to their specialization in the legal area.

The work of the specialised court department shall be managed by a president of the division. The sessions of the specialised court departments shall address issues of interest to the work of all panels, i.e. judges within the department, in particular, regarding the application of laws in certain areas and the harmonisation of the court practice, and the improvement of the work methods. A session of a court department is convoked by the president of the respective department at his/her initiative, or at the request of the judges of the department, or at the request of the court president when it is established that there is inconsistency in the application of the law between separate panels of the department.

The centre, i.e. the IT service, shall be managed by the president of the court or a judge designated by him/her.

ORGANISATION AND COMPETENCE OF THE DIFFERENT COURTS

The basic courts, in line with their subject-matter competence, conduct trials in first instance and are established as courts with basic competence and courts with expanded competence.

Within the basic courts with expanded competence, specialised court departments shall be set up to act upon specific types of disputes.

The basic courts may have court divisions, conduct trials outside the seat of the court, as well as have court days outside the seat of the court.

The basic courts having basic competence shall decide in first instance upon criminal cases and misdemeanours, as follows:

- Upon criminal acts which by law are sanctioned by a sentence of imprisonment of up to 5 years, unless it is within the competence of another court to decide on certain criminal acts.
- On criminal acts which by a separate law shall be assigned to a court of basic competence;
- To conduct investigation or investigative actions on criminal acts falling within their competence;
- On all types of misdemeanours, unless it is provided that certain types of misdemeanours are to be decided on by a state administration authority or organisation or another authority exercising public authorisations.

The first instance courts with basic jurisdiction shall be competent to decide in first instance in civil disputes, as follows:

- on property and other civil disputes between persons and legal entities, in the amount of the MKD counter value of 50 000 Euro, unless it is provided by law that another court is competent to decide.

- on disputes related to establishment or disclaiming of paternity, maternity and identifying the existence of marriage, annulling marriage and divorce;
- on alimony provided for by law;
- on parenting and upbringing of children;
- on obstructing possession;
- on life estate;
- on compensation for damages not exceeding 50 000 Euro in MKD counter value;
- on procedures for prevention and enforcement;
- on labour relations;
- on inheritance disputes;
- on non-contentious and inheritance matters;
- on keeping record of deeds; and
- on other matters specified by law.

The basic courts with expanded competence, in addition to the competence specified in Article 30 of the Law on Courts exercised within the territory for which they have been instituted, shall be also competent to decide upon criminal acts as follows:

- Criminal acts which by law are sanctioned with imprisonment of more than 5 years, and on crimes and misdemeanours committed by juveniles;
- To carry out investigation or investigative actions on criminal acts under their scope of competence;
- To decide on extradition;
- To decide on complaints and appeals against the procedures under their competence;
- To decide on proceedings related to international legal assistance specified by law.

The basic courts with expanded competence, shall be also competent to decide on civil cases as follows:

- On property and other civil disputes between persons and legal entities, in the amount of more than 50,000 Euros in MKD counter value, unless the competence of another court has been established by law.
- On commercial disputes in which the parties are legal entities or state bodies, disputes regarding copyrights and related rights and industrial property rights;
- To maintain the court registry of political parties;
- On cases of bankruptcy and termination;
- On disputes related to establishment and ensuring of compulsory enforcement;
- On disputes between domestic legal and foreign entities, deriving from their mutual commercial or trade relations.

These courts are also competent to keep a court registry of all political parties established within their jurisdiction.

According to the organisation of the judiciary stipulated in the Law on Courts, there are two basic courts in Skopje, the capital of the state, that are organised as a Criminal Court (Basic Court Skopje I) and a Civil Court (Basic Court Skopje II), both being the largest courts of first instance in the state.

The Criminal court is a court of ordinary and of expanded jurisdiction.

The court is organised in specialised judicial departments and units, pursuant to the Law on Courts and the internal organisation of the court, as follows:

The work of the Court is organised in departments and units, namely Criminal Departments for:

- o adults
- o misdemeanours
- o investigation
- o juveniles
- o execution of sanctions
- o organised crime and corruption (investigation unit)
- o organised crime and corruption (trial unit)

Within the Basic Court Skopje I – Skopje, a specialised court department is created, with competence for trying acts in the area of organised crime and corruption for whole territory of the Republic of Macedonia. The specialised court department has competence for:

- criminal acts perpetrated by a structured group of three or more persons which has existed for a certain period of time and is acting with the intention of perpetrating one or more criminal acts for which a sentence of imprisonment for at least four years is foreseen, with intent to directly or indirectly gain financial or other kind of benefit,

- criminal acts perpetrated by a structured group or criminal enterprise on the territory of Republic of Macedonia or other countries, or when the criminal act has been prepared or planned in Republic of Macedonia or another country,

- criminal acts of misuse of official position and power pursuant to article 353 paragraph 5, receiving bribery in significant amount as per article 357, and illegal mediation pursuant to article 359, all from the Criminal Code, perpetrated by an elected or appointed official or a responsible person within a legal entity, and

- criminal acts of unauthorised manufacturing and distribution of narcotics, psychotropic substances and precursors pursuant to article 215 paragraph 2, laundering of money and other incomes in significant amounts obtained through a criminal act pursuant to article 273, terrorist endangerment of the constitutional order and security pursuant to article 313, giving bribe in significant amounts pursuant to article 358, illegal influence on witnesses pursuant to article 368-a, criminal enterprise pursuant to article 394, terrorist organisation pursuant to article 394-a, terrorism pursuant to article 394-b, criminal acts of trafficking in human beings pursuant to article 418-a, criminal acts of smuggling migrants pursuant to article 418-b, trafficking of minors pursuant to article 418-d, and for other criminal acts against humanity and international law pursuant to the Criminal Code, regardless of the number of perpetrators.

The Basic Court Skopje II is organised as a specialised civil court for the territory of the City of Skopje, according to the Law on Courts and according to the opinion of the general session of the judges of the court and taking into consideration the amount and the needs of the operations of the court. In line with the internal organisation of the court, the following departments have been established and are in operation, namely departments for:

- property disputes,
- family disputes and small claims disputes,
- labour disputes,
- probate (inheritance) and non-disputable issues,
- bankruptcy and liquidation,
- securing and enforcing claims.

Pursuant to the Law on Courts, following a decision of the president of the courts for annual distribution of judges, and following their consent, individual judges are distributed to the respective above listed departments. So far, there have been only a small number of cases of dissent expressed by a judge on his/her allocation to a specific department, upon whose objection a deliberation was made by the Supreme Court of the RM.

There are several departments in the appellate courts, namely: criminal department both for adults and juveniles, as well as misdemeanour, civil, commercial and labour law departments.

For each of the specialised departments, a chief judge of the department is appointed by a decision of the president of the court and upon the consent of the particular judge appointed for this position. There is no time limit of the duration of this position.

The presidents of the specialised court divisions and their deputies, as well as the presidents of the court departments and their deputies, are assigned from the rank of judges along with the annual work plan.

When assigning the presidents of specialised divisions and departments, the length of judicial service as well their respective achievements are taken into account.

ADMINISTRATIVE COURTS

Pursuant to Law and in line with the internal regulations, the following departments operate in the Supreme Court: the criminal, the civil, the commercial and the administrative department, which resolves the case backlog of appeals upon first instance decisions of the Administrative Court.

The following departments have been set up in the Administrative Court:

– specialized department for property and other rights, a unit for property and other rights, established within the specialised department

– specialized department for denationalization and other rights with a unit for denationalization and other rights established within the specialized department

– specialized department for town planning, construction and other rights with a unit for town planning, construction and other rights established within the specialised department

–specialized department for pensions, rights from pension and disability insurance and other rights with a unit for pensions, rights from pension and disability insurance and other rights, established within the specialised department

– specialized department for public procurement and other rights with a unit for public procurement and other rights established within the specialised department

–specialized department for customs and other rights , with a unit for customs and other rights, established within the specialised department

Three specialised units have been established in the Higher Administrative Court, the first one for customs, taxes and finances, the second one for town planning, construction, denationalisation and cadastre, and the third unit for pension and disability insurance.

The organisation of the work of the Supreme Court follows the Law on Courts, the Law on Supplements and Amendments to the Law on Courts, the Courts Rules of Procedure and the Rules of Procedure on the Operation of the Supreme Court of the Republic of Macedonia. The Supreme Court executes the work within its competence , established with the Constitution and laws, through panels composed of three or five judges, respectively, through sessions of units, through common sessions of departments, sessions of judges and General Sessions.

Four departments have been established in the Supreme Court (**Criminal Department, Civil**

Department, Department for Trials within Reasonable Time and Department for Case Law/Court Practice.

Among the competences of the **Criminal Department** is also acting and deliberating upon felony cases and cases on other penal acts.

The Supreme Court of Republic of Macedonia, pursuant to the Amendments on the Law on Courts has a new competence. Namely, the SC shall act upon claims of citizens on violations of Art. 6 of the ECHR, six months following the date when it was submitted, and decides whether the lower instance court violated the right to trial within reasonable time, paying due attention to the rules and principles established in the European Convention on Human Rights and Basic Freedoms and, especially, the complexity of the case, the conduct of the parties during the procedure and the conduct of the ruling court.

2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

A person who has completed initial training at the Academy for Judges and Public Prosecutors may be elected judge in a first instance court.

AS REGARDS LEGAL STUDIES AS AN ENTRY REQUIREMENT TO THE JUDICIAL-PROSECUTORIAL PROFESSION, THERE IS NO SPECIAL REQUIREMENT FOR COMPLETION OF SEPARATE SPECIALIST STUDIES; SPECIAL REQUIREMENTS ARE PASSING THE BAR EXAM AND TWO YEARS WORKING EXPERIENCE OF WORKING ON LEGAL MATTERS.

ADMISSION TO THE ACADEMY

Criteria for Admission to Initial Training

(1) The criteria and requirements for admission to initial training are:

- possession of a bachelor's degree in legal sciences (BLL), with a grade average of at least 8 (on a scale of 5 to 10, 5 being a fail grade) or a degree with accumulated 300 points in accordance with the European Credit Transfer and Accumulation System (ECTS), with a grade average of at least 8 in each of the two cycles of university studies;
- passed bar exam;
- at least two years' work experience in legal matters following the admission to the bar;
- the applicant has not been issued a sentence with the injunction measure of banning from professional performance, activity or competences;
- citizenship of the Republic of Macedonia;
- active command of the Macedonian language;
- active command of one of the official languages of the European Union, the English language being mandatory. The command of English is verified through the submission of the following prominent certificates:
 1. TOEFEL – at least 74 points in the electronic exam over the computer, certificate not older than 2 years from the day of issuance;
 2. IELTS – at least 6 points, certificate not older than 2 years from the day of issuance;
 3. TOLES – Foundation Level;
 4. ILEC – at least a B2 mark;
 5. Cambridge Certificate of Preliminary English – B1;

- ability for practical work on computers; and
 - the applicant should be capable of work and be in generally good health.
- (2) The type, manner and detailed criteria for the medical examinations and the practical work on a computer from paragraph (1) lines 8 and 9 of this article are regulated by the Judicial Council of the Republic of Macedonia in collaboration with the Council of Public Prosecutors in the Republic of Macedonia.

The initial training covers the implementation of substantive and procedural laws, judicial and the prosecutorial practice and ethics, international legal standards, scientific and expert papers in the field of domestic and international law, as well as skills required for the judicial and the prosecutorial function.

The initial training lasts 24 months and is conducted in the following two phases:

- First phase – theoretical training at the Academy lasting nine months; and
- Second phase – practical training in the courts and public prosecutor’s offices and other institutions, in accordance with the Initial Training Programme, lasting 15 months.

The Court, i.e. the Public Prosecution Office where the participant is realizing the second part of initial training, is located according to the appellate region where the participant resides.

SPECIALIZATION OF THE PRACTICAL TRAINING

The participants that are ranked higher in initial training, according to the ranking list, have the right to choose between performing the function of a judge or a public prosecutor until the positions for judge and public prosecutor are filled in accordance with the decisions by the Judicial Council of the Republic of Macedonia and the Council of Public Prosecutors of the Republic of Macedonia. The remaining participants that are ranked lower are distributed among the remaining vacant positions for judges or public prosecutors.

The condition for a participant to continue his training in the second phase – the practical training, is that they are awarded at least 21 points for the first phase of the training.

After the completion of the theoretical initial training, according to the abovementioned criteria for selection for a position of judge or prosecutor, the candidates attend the practical stage of the training, which is specialised for candidates for judges or for the candidates for prosecutors, respectively.

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify.

- Only, when promoting judges to higher courts.

c) May a judge from a generalist court move to a specialised court, or from one specialisation to another:

- Yes.

A judge exercises the judicial function in the court he/she has been elected to. The judge is, as a rule, elected to conduct trials in specific areas. A judge may not be transferred to another court against his/her own will. The judges are assigned through an annual work schedule to be specified by the court president upon a prior opinion from the plenary of judges, or from the general plenary session of the Supreme Court of the Republic of Macedonia, considering the assignment of judges in view of their specialization in criminal, civil, commercial, administrative or any other legal area, respectively.

A judge may not be transferred from one court department to another against his/her will. The judge may ask for transfer from one to another department. As an exception, a judge may be transferred to another court department against his/her will with a decision of the court president containing a written explanation, upon a previously obtained opinion from the session of judges, when this is required by an increase in the workload and by the subject of work of the court, but the transfer may not exceed one year. As an exception, an appellate court judge or a basic court judge may be temporarily transferred, for one year at the most, to adjudicate in another court of the same instance or a lower

court, or from one specialised department to another, when the regular work of the court has been jeopardised due to a judge being prevented or exempted, or due to a considerably increased workload, reduced efficiency, or due to the complexity of the cases.

The temporary transfer of a judge is carried out by the Judicial Council of the Republic of Macedonia, for which it immediately notifies the president of the respective court whose judge has been transferred and the president of the court to which the judge has been temporarily transferred. The judge in question can, within three days, file a complaint against this decision to the plenary session of the Supreme Court of Republic of Macedonia, which is bound to decide upon the complaint respecting a seven-day deadline. Against the decision, the judge can, within three days, file a complaint to the Judicial Council of Republic of Macedonia, which is bound to decide upon the complaint respecting a seven-day deadline. The decision of the Judicial Council of the Republic of Macedonia is final.

<i>As to separate court systems:</i>	<i>Within the same court system:</i>
<input type="checkbox"/> by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?	<input type="checkbox"/> by showing professional experience?
by resigning from original post and participate to a new recruitment?	<input type="checkbox"/> by attending specialisation/reconversion courses?
Yes	
<input type="checkbox"/> other ?	<input type="checkbox"/> by passing a specialisation exam?

Please see answer to 2 c.

d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)?

- Yes, usually when they are assigned to a specialised department.

e) What are for judges the criteria for access to specialisation?

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired?

When a judge, due to the needs of the office, is temporarily sent to exercise the judicial function outside of the place of residence, he is allowed compensation of increased costs related to his/her accommodation and transport expenses.

In such cases, the judge is entitled to compensation for moving expenses for him/her or the family, as well as to compensation in cases when he/she is elected or appointed to another court.

A judicial scholarship is granted to a judge who takes postgraduate studies in law or specialist studies in law in the country or abroad, or who respectively undergoes vocational training in other vocational area related to the judicial practice that cannot be obtained within the Academy for Judges and Public Prosecutors. The funds for the judicial scholarship are provided from the Judicial Budget.

The same guarantees are foreseen for public prosecutors in the Law on Public Prosecutors.

g) Are there access/reconversion courses to specialised functions:

- Yes, within the judicial training institute ? *Yes, within the Academy for judges and prosecutors*

- Yes, organised by an institution different from the judicial training institute? *Yes, the Association of judges and the Association of prosecutors is organising training sessions for specialised judges, in close coordination and cooperation with the Academy.*

- No?

h) Are there training courses reserved only to specialised judges?

- YES, the Framework training programme of the Academy has been designed according to the results of assessment of training need of all target groups, taking in the process into consideration the needs of judges from specialised departments; thus, training events are organised for each of the respective areas as well as for the presidents of the courts.

Also, the Academy organises specialised training course for the newly elected judges and prosecutors, which are designed according to the respective specialization (criminal, civil and general subjects for both groups - IT, case management, communication skills, judicial psychology, ECHR, EU law, etc.)

i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised?

Yes, especially during round tables organised on the level of appellate courts and the Supreme Court.

j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)?

According to the previous Law on Courts, the spokespersons of courts were assigned by the presidents of the courts, but according to the Amendments to the Law, services for relations with the public and the media are established in the bigger courts.

In addition, the Civil Court in Skopje is a pilot court for mediation and there is a legal assistant appointed by the president of the court. The president himself/herself has the responsibility and accountability for promoting of wider use of the AOR and IT in the courts.

k) If yes, is there a specific training for this type of posts? Please specify.

Yes, there is specific training for each of the specialised departments and for the Administrative courts and for the Supreme court judges, especially for the protection of the violation of the article 6 of the ECHR. Also, the Academy is organising, pursuant to the Law on the Academy, mandatory training courses for the presidents of the courts and the chief public prosecutors, for mediation and other AoR (criminal, civil and commercial), training courses for spokespersons and judges responsible for IT (the electronic CMS).

l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges).

The judges in the specialised departments in the general courts do not have higher compensation, with the exception of judges and prosecutors in the specialised departments for fight against organised crime and corruption. Also, the presidents of the specialised departments have a higher compensation than the judges in the respective department.

The judges of the Administrative court and the Higher Administrative court, according to the Law on Salary of Judges receive higher compensation than judges of appellate courts, but lower than judges of the Supreme court.

m) Are there special allowances, or benefits in kind, for specialised judges?

- No.

n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned?

The Judicial Council selects judges to the Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia from among candidates who have applied to the respective announcement and who meet the requirements and criteria established in the Law on Courts and the Law on the Judicial Council.

The Council selects to the position of a judge the person of the highest expertise and professional qualities and good reputation in exercising his/her judicial office, on the base of the following criteria:

1) expert knowledge and specialization in the field and participation in continuous training;

- 2) attitude towards the work, taking into consideration the time taken for the adoption, releasing and preparation of decisions, the ratio between the confirmed, quashed and altered decisions in comparison to the total number of resolved cases, the number of resolved cases in relation to the guiding number of cases that the judge is to resolve monthly as determined by the Council;
- 3) capability in resolving legal issues, taking into consideration the achieved level of regularity and legitimacy of judicial ruling and verification, foremost, during proceedings through legal means;
- 4) protection of his/her own the reputation and the reputation of the respective court, judges by the manner of presiding over cases, communication with parties and other authorities, upholding the independence, impartiality, confidentiality, importance and the relation towards work and the conduct outside of work;
- 5) capability for written and oral expression, judges from the decisions prepared and judicial proceedings conducted;
- 6) undertaking of additional work when performing judicial office by participating in procedures to resolve backlog of cases;
- 7) undertaking of additional work when performing judicial office in the form of mentoring, educating, etc.;
- 8) relations with colleagues and the court administration, and
- 9) capability for performing activities of a managerial nature.

If the candidate comes from among the judges, the Council obtains an opinion from the court and conducts an anonymous inquiry among court personnel where the candidate is performing his/her judicial office.

The president of court, on the basis of the session of judges held, delivers the respective opinion to the Council.

If the candidate for a judge at the Administrative Court or the Higher Administrative Court, respectively, does not come from among the ranks of judges, the Council obtains an opinion from the state body where the candidate has worked.

The guiding number of cases that the judge is to resolve monthly in first-instance courts , appellate courts, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia are determined in accordance with the legal area, the complexity of the respective case matter and the type of court in accordance with its real competence.

During the establishment of the guiding number of cases that the judge is to resolve monthly in first-instance courts, appellate courts, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia, the Council prescribe the methodology of establishing the complexity of the respective case matter by a special act.

Each year, the Council, through a decision, determines the guiding number of cases and the necessary number of cases for the purpose of realization of the guiding number of case that judge is expected to resolve on a monthly basis.

In practice, judges when being promoted to a higher court, are as a rule selected on the basis of their specialisation and continue to work in the area they had previously been operating in, except, of course, if there are no openings in the respective field or if the judge expressly requests to work in another department.

According to the Amendments to the Law on Courts

A person can be appointed judge in a first instance court is he/she holds a bachelor's degree in law. i.e. has completed four-year higher education in legal sciences with an average of at least eight (on a scale of 5 to 10, 5 being a fail grade), or a degree in legal sciences with acquired 300 credits under the European Credit Transfer and Accumulation System (ECTS), with an average of at least eight in each

of two cycles of university studies, or a verified diploma from a foreign faculty of law with acquired 300 credits.

The other conditions are as follows:

- the candidate is required to have active command of one of the official languages of the European Union, the English language being a requirement, to be verified by one of the following internationally recognised certificates:

1) TOEFEL - at least 74 points in the electronic examination over the computer, not older than two years from the date of issuance of the certificate;

2) IELTS - at least 6 points, not older than two years from the date of issuance of the certificate;

3) TOLES - at least a high level (higher level);

4) ILEC - at least level B 2 passed with success and

5) Cambridge Certificate - at least First Certificate in English FCE - B 2,

- the candidate is required to be able to perform practical work on computers, and

- the candidate is required to enjoy good reputation, possess integrity to perform judicial functions and have social skills to perform the judicial function, for which integrity tests and psychological tests are administered.

The required types of health checks, the form and the content of the psychological test and test of integrity, as well as the level of practical work with computers are regulated by the Judicial Council of the Republic of Macedonia.

The Judicial Council of the Republic of Macedonia is responsible for the administration of the psychological tests and tests of integrity, taking into account protection of personal data, reputation and dignity of the candidate, in accordance with the law.

In the administration of psychological tests and the first part of the test of integrity, the Judicial Council of the Republic of Macedonia hires experts from an independent and fully accredited professional institution.

The psychological test is based on internationally recognised psychological tests for the performance of the function a judge which are applied in at least one of the Member States of the European Union or OECD.

Special conditions for the selection of a judge in a first instance court, appellate court and the Supreme Court of the Republic of Macedonia are as follows:

- a person can be elected judge to a first instance court if he/she has completed initial training at the Academy for Judges and Public Prosecutors,

- a person can be elected judge to an appellate court if he/she has at least four years of continuous judicial experience as a judge at a first instance court at the moment of signing up for election, if he/she has in the last year been assessed with the highest positive evaluation by the Judicial Council of the Republic of Macedonia, and has in comparison to other applicants received the highest number of points, in accordance with law, as well as a judge at the Administrative Court or the Higher Administrative Court, who has in last year been given the highest positive evaluation year by the Judicial Council of the Republic of Macedonia, and has in comparison with other applicants received the highest number of points, in accordance with law; and

- a person can be elected judge to a Supreme Court if he/she has at least six years of continuous judicial experience as a judge at a second instance court at the moment of signing up for election, if he/she has in the last year been assessed with the highest positive evaluation by the Judicial Council of the Republic of Macedonia, and has in comparison to other applicants received the highest number of points, in accordance with a law, as well as a judge at the Administrative Court or the Higher Administrative Court, who has in last year been given the highest positive evaluation year

by the Judicial Council of the Republic of Macedonia, and has in comparison to other applicants received the highest number of points, in accordance with law;

(2) Special conditions for the election of a judge to the Administrative Court and the Higher Administrative Court are:

- a person can be elected judge to an Administrative court he/she has least four years of continuous judicial experience as a judge at a first instance court at the moment of signing up for election, if he/she has in the last year been assessed with the highest positive evaluation by the Judicial Council of the Republic of Macedonia, and has in comparison to other applicants received the highest number of points, in accordance with a law, or a person who has five years experience in legal matters in a state authority with proven track record, or who has in the last year been given the highest positive evaluation, in accordance with the law, and

- a person can be elected judge in a Higher Administrative court if he/she has working at least three years of continuous judicial experience as a judge in the Administrative Court at the moment of signing up for election, if he/she has in the last year been assessed with the highest positive evaluation by the Judicial Council of the Republic of Macedonia, and has in comparison to other applicants received the highest number of points, in accordance with a law, or a person who has six years experience in legal matters in state authority with proven track record, or who has been given the highest positive evaluation in the last year, in accordance with law.

The president of a court can be elected from among judges, and needs to have been awarded in the last two years by the Judicial Council of the Republic of Macedonia the highest positive evaluation, and has in comparison to other applicants received the highest number of points, according to law.

According to the amendments of the Law on Courts, juror judges (panellists) also need to meet some requirements.

Namely, this law in terms of psychological test and test of integrity shall also be applied in the selection of juror - judges. After the election, the juror - judges must attend specialised training organised by the Academy for Judges and Public Prosecutors. Upon completion of the training the juror - judges undergo an examination. If the juror - judge fails to pass the examination, his/her office is terminated, as established by a decision of the Judicial Council of the Republic of Macedonia. Upon completion of the examination, the Academy for Judges and Public Prosecutors within three days submits to the Judicial Council of the Republic of Macedonia a list of juror - judges who have failed to pass the exam. The content, duration and delivery of the respective training are established in a specialised training program for juror - judges by the Academy for Judges and Public Prosecutors. The content and manner of conducting the examination are regulated by the Academy for Judges and Public Prosecutors.

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify.

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b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)?

c) Is public prosecution organised on a specialised basis in your country? Please specify.

d) The Council elects the basic public prosecutor in the PPO, among the list of candidates who have applied to the announcement, which is submitted by the Academy for Training of Judges and Public Prosecutors,.

The Council elects public prosecutors at the Public Prosecutor's Office of the Republic of Macedonia and the Higher Public Prosecutor's Offices from among the candidates who have applied to the announcement and who meet the requirements and criteria stipulated in the Law on the Public Prosecutor's Office and this law

The person elected public prosecutor by the Council is required to have expert and professional qualities, and enjoys respect in carrying out the public prosecutor's duties, based on the following criteria:

1. expert knowledge, where specialization, graduate studies and attendance of continuing education are taken into account;
 2. work attitude and promptness in performing the duties as a public prosecutor;
 3. ability to professionally deal with legal issues;
 4. assuming additional work assignments in performing public prosecutor's duties, through participation in drafting regulations, mentorship, education, etc.;
 5. enjoys and safeguards the public prosecutor's and public prosecutor's office's reputation, as determined on the basis of the manner of communication with parties and other bodies, independence, impartiality and trustworthiness in performing the public prosecutor's duties and above and beyond;
 6. professional relations with the professional service staff at the public prosecutor's office.
- If a candidate is not from among the ranks of public prosecutors, the Council obtains an opinion from the legal entity employing the candidate, as well as from other institutions on his/her expert and professional development in the field of law and its application.

The remuneration of the public prosecutors is established depending on:

- the type of the public prosecutor's office,
- the department and type of cases which he/she handles, - the internal duties in the public prosecutor's office,
- years of experience,
- acquired titles in the area of scientific and professional development and specialisation, and
- achievements in the performance of the duty of public prosecutor.

The Public Prosecutor of and the public prosecutors at the Basic Public Prosecutor's Office for prosecuting organised crime and corruption are entitled to remuneration in the amount same as that of the higher public prosecutors.

COMPETENCE OF THE PUBLIC PROSECUTOR'S OFFICE

According to the Law on the Public Prosecutor's Office, the Public Prosecutor's Office as a unique state institution of the Republic of Macedonia is organised on the levels of Basic Public Prosecutor's Offices, Higher Public Prosecutor's Offices, and the Public Prosecutor's Office.

The Public Prosecutor's Office acts within the scope of its substantive and territorial jurisdiction, unless otherwise stipulated by Law.

A Basic Public Prosecutor presents cases in front of a Basic Court.

A Higher Public Prosecutor presents cases in front of an Appellate Court.

The Public Prosecutor of the Republic of Macedonia presents cases in front of the Supreme Court of the Republic of Macedonia.

The Public Prosecutor also acts in front of other bodies and other legal entities on the territory under his/her jurisdiction when authorized by law.

A Public Prosecutor's Office is established for a territory under jurisdiction of a court of an appropriate instance, in front of which it presents cases.

A Basic Public Prosecutor's Office may be established for territories under jurisdiction of one or more basic courts.

A Higher Public Prosecutor's Office is established for the territory of an Appellate Court.

The Public Prosecutor's Office of the Republic of Macedonia is established for the entire territory of the Republic of Macedonia, its seat being in Skopje.

A specialised Basic Prosecutor's Office is established for criminal cases in the field of fight against organised crime and corruption. In this office the work is organised in two specialised departments, namely the first one dealing with financial crimes and corruption, and the second one with trafficking of drugs, human beings and weapons and other violent crimes.

In the Public Prosecutor's Offices dealing with larger workload of similar cases, in order to improve the efficiency and to specialise the work of the Office in a certain limited area under its competence, departments may be formed as internal organisational units. The work of the department is guided by a Public Prosecutor or a Deputy Public Prosecutor designated in accordance with the annual work roster of the Public Prosecutor's Office of the Republic of Macedonia.

In line with the annual allocation of public prosecutors in the Skopje Basic Public Prosecutor's Office, the public prosecutors are divided into 5 units for adults and 1 (one) unit for juveniles. The respective legislative foundation for this practice lies in Article 15 of the Law on the Public Prosecutors' Office. The units are as follows:

1. Financial crimes and abuse of official power
2. Crimes in the area of traffic and crimes against elections and voting
3. Crimes connected with sexual exploitation of minors
4. Property unit
5. Computer crimes
6. Juveniles unit.

Depending on current needs, public prosecutors may be assigned to work on criminal acts from other departments.

In the public prosecutor's offices of higher instance, no such specialised units exist.

e) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)?

f) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.)? If yes, is this staff recruited on an *ad hoc* basis?

4. Specialisation and governance

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council.

5. Specialisation, professional associations of judges, judicial ethics

a) Are there in your country professional associations of specialised judges?

No, there is only one such association in Macedonia– the Association of Judges of the Republic of Macedonia.

b) Do specialised judges have separate or common "principles of judicial ethics"³ with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.).

No, there is only one Code of Ethics, issued by the Association of Judges of Republic of Macedonia.

6. Conclusion

³ See principles of judicial ethics as defined in CCJE's Opinion No. 3 (i.e. rules having no disciplinary impact).

- a) Please give your opinion on the advantages and disadvantages of special courts
- c) Please give your opinion on the advantages and disadvantages of specialisation of judges

Globalisation of society and development of science and technology impose the need for specialised knowledge and expertise in individual professions. Thus, the judicial system also faces the need for specialisation, which can occur on different levels and have different profiles. The levels can be that of a judge, of a judicial department or unit, or of entire courts, even judicial systems. The need arises for specialisation in regard to the types of cases, and as of late increasingly also in accordance with the category of defendants and victims –e.g. family violence. A diverse level of specialisation is required also depending on the needs of the judiciary, number of cases, as well as economic justifiability, restrictions in regard to available budget, resources, equipment, facilities, training resources, sufficiently trained teaching staff (trainers in the respective area), expert and technical personnel, etc. In this sense, and with a view to the need for specialisation, procedural and substantive laws in the respective narrow areas of law are being adopted. However, regardless of the degree of standardisation or regulation of their respective specialisation, courts and public prosecutor's offices resort in the practice to a de facto internal specialisation, so that they are better able to deal with the emergence of cases requiring high level of knowledge and expertise (cyber-crime, economic and financial crime, property cases, intellectual property, bankruptcy, etc.), by means of internal reorganisation. Similarly, internal specialisation is being introduced on an increasing scale with the aim of tackling backlogs, as well as achieving greater efficiency and better distribution of cases. In addition, specialisation brings about positive effects in the sense of greater uniformity in the application of the laws in the respective area, and greater creativity and adoption of better explanation and higher quality of decisions in regard to the special laws and non-legal areas. It also facilitates development of routines and enables speedier carrying out of procedures in the respective cases, especially if the case in question is of a higher degree of complication.

Specialisation also facilitates the process of planning and realisation of training programmes, which are designed and focused on a specific group of judges and public prosecutors or both groups together respectively, but increases in the process the costs as the training is carried out for a larger number of smaller target groups. Specialised training (especially training carried out at a higher level of specialisation) requires a higher level of quality of trainers and experts, especially international ones, thus additionally straining available budget resources.

A number of risks have emerged in Macedonia in the planning for and implementation of the process of specialisation, as well as some dilemmas and open questions.

A disproportion may appear, namely, in the number of cases in the separate specialised departments. In addition, it is necessary to ascertain whether the judges can fulfil the quota requirements in light of the monthly and annual inflow of cases in the respective department. The question also arises whether judicial time is put to its optimal use when there are a small number of cases in the respective area. The question arises also whether in the very selection of judges care should be taken whether the respective judge has prior experience in the respective area, whether at the very election the judge should be tasked with adjudicating a general area or should pursue higher specialisation (not only criminal, civil or trade law, but also narrow specialisation such as intellectual property, family law, juvenile law, etc.), or should narrower specialisation be postponed and only pursued when the judge has served several years on the bench. It is interesting to note that young judges are more open to acquiring new knowledge and expertise in the more recent areas which require greater amounts of legal research, use of computer technologies, foreign expertise, etc., whilst still lacking sufficient judicial experience. Another question which arises is whether there is equal protection of rights when a case is adjudicated by a specialised judge or judicial department, with the appeal being resolved upon by a higher court of general competence whose judges lack any specialised expertise. The problem arises of the discrepancy between the special knowledge and expertise of the specialised judges from the lower court, who attend special basic and advanced training, and the higher court judges which lack or possess to a smaller degree the said knowledge and expertise. Furthermore, if such specialised judges or departments exist in the larger courts and towns, then we arrive at a situation of uneven practice and unequal legal protection of citizens from different regions in the country in respect of resolving the same kind of cases.

On the other hand, judges run the risk of falling into stereotypes by coming into contact with only a narrow type of cases, narrow circle of parties, and even with a same circle of attorneys at law and prosecutors, who may influence their opinion and lead to creation of stereotypes and routines. Judges

in such cases may start to adopt decisions lacking other perspectives. In addition, the respective judges may fall victim to the influence of different business or interest groups (receivers and administrators, chambers, attorneys at law), and in this sense create certain policies in a respective field. Thus, the question arises whether we should possibly consider making more frequent alternation of judges in those departments in order to avoid opportunities for establishing too close ties with a narrow circle of people or infiltration of certain interest or opportunities/possibilities for different types of corruption.